

Amendment No. 2 to HB1993

DuBois
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2001*

House Bill No. 1993

by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-26-119, is amended by designating the existing language as subsection (a) and adding the following as new subsections thereto:

(b) In any professional liability action brought against a health care provider pursuant to this chapter, the maximum amount recoverable as compensatory damages for noneconomic loss shall not exceed three hundred fifty thousand dollars (\$350,000) per occurrence, regardless of the number of plaintiffs or the number of defendants or, in the case of wrongful death, regardless of the number of distributees, except as provided in subsection (c) of this section.

(c) The plaintiff may recover compensatory damages for noneconomic loss in excess of the limitation described in subsection (a) of this section, but not in excess of seven hundred thousand dollars (\$700,000) for each occurrence, regardless of the number of plaintiffs or the number of defendants or, in the case of wrongful death, regardless of the number of distributees, where the damages for noneconomic losses suffered by the plaintiff were for:

(1) Wrongful death;

(2) Permanent and substantial physical deformity, loss of use of a limb or loss of a bodily organ system; or

(3) Permanent physical or mental functional injury that permanently prevents the injured person from being able to independently care for himself or herself and perform life sustaining activities.

SECTION 2. This act shall take effect July 1, 2007 upon becoming a law, the public welfare requiring it.